cation No.: 09/365,426

Attorney Docket No.: 51410/P013US/09900130

## **Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV482711558US in an envelope addressed to:

MS Appeal Brief - Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

September 19, 2005

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Return Postcard
Certificate of Express Mailing (1 page)

Transmittal (1 page) Fee Transmittal (1 page)

Extension of Time Under 37 CFR 1.136(a) (1 page)

Notice of Appeal (1 page) Second Appeal Brief (28 pages) Check in the amount of \$65.00 SEP 1 9 2005 W

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCI Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control numbe

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

,	pond to a collection of information unless it displays a valid OMB control number			
	Application Number	09/365,426-Conf. #1765		
	Filing Date	August 2, 1999		
	First Named Inventor	Peter J. Hartmaier		
	Art Unit	3624		
	Examiner Name	D. S. Felten		
	Attorney Docket Number	51410/P013US/09900130		

ENCLOSURES (Check all that apply)					
x Fee Transmittal Form	Drawing(s)	After Allowance Communication to TC			
x Fee Attached	Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences			
Amendment/Reply	Petition	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)			
After Final	Petition to Convert to a Provisional Application	Proprietary Information			
Affidavits/declaration(s)	Power of Attorney, Revocation Change of Correspondence Address	Status Letter			
X Extension of Time Request	Terminal Disclaimer	X Other Enclosure(s) (please Identify below):			
Express Abandonment Request	Request for Refund	Return Receipt Postcard Certificate of Express Mailing			
Information Disclosure Statemer	CD, Number of CD(s)				
Certified Copy of Priority Document(s)	Landscape Table on CD				
Reply to Missing Parts/ Incomplete Application	Remarks				
Reply to Missing Parts und 37 CFR 1.52 or 1.53	er				
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT					
FULBRIGHT & JAWORSKI L.L.P.					
Signature Michael .	tosarty, =				
Printed name Michael J. Fogai	y, I( )				
Date September 19, 2	005 Reg. No.	42,541			

PTO/SB/17 (12-04v2)

Date

September 19, 2005

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known Effective on 12/08/2004. 09/365,426-Conf. #1765 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). **Application Number** August 2, 1999 FEE TRANSMITTAL Filing Date Peter J. Hartmaier First Named Inventor For FY 2005 Examiner Name D. S. Felten Applicant claims small entity status. See 37 CFR 1.27 3624 Art Unit 51410/P013US/09900130 TOTAL AMOUNT OF PAYMENT 625.00 Attorney Docket No. METHOD OF PAYMENT (check all that apply) Credit Card Money Order None Other (please identify): Check Fulbright & Jaworski L.L.P. X Deposit Account Deposit Account Number: 06-2380 Deposit Account Name: For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below, except for the filing fee x Charge fee(s) indicated below Charge any additional fee(s) or underpayment of Credit any overpayments fee(s) under 37 CFR 1.16 and 1.17 **FEE CALCULATION** 1. BASIC FILING, SEARCH, AND EXAMINATION FEES **FILING FEES EXAMINATION FEES** SEARCH FEES **Small Entity Small Entity** Small Entity Fees Paid (\$) **Application Type** Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) 300 150 500 250 200 100 Utility Design 200 100 100 50 130 65 160 200 100 300 150 80 Plant 250 600 300 300 150 500 Reissue Provisional 200 100 0 0 0 2. EXCESS CLAIM FEES **Small Entity** Fee (\$) Fee (\$) Fee Description Each claim over 20 (including Reissues) 25 50 Each independent claim over 3 (including Reissues) 200 100 Multiple dependent claims 360 180 **Multiple Dependent Claims Total Claims** Fee Paid (\$) **Extra Claims** 16 \_\_\_\_ - 28 = Fee Paid (\$) Fee (\$) Fee Paid (\$) Indep. Claims Extra Claims 7 - 10 = 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). Number of each additional 50 or fraction thereof Fee Paid (\$) **Total Sheets** Extra Sheets Fee (\$) (round up to a whole number) x - 100 = \_\_\_ /50 4. OTHER FEE(S) Fees Paid (\$) Non-English Specification, \$130 fee (no small entity discount) Petition 1 Mo Extension \$+120; Other (e.g., late filing surcharge): Notice of Appeal \$500-165= \$+85; 2<sup>nd</sup> Appeal Brief \$500-330= \$-80; \$625.00 SUBMITTED BY Registration No. (Attorney/Agent) Signature 42,541 Telephone (214) 855-8172

Name (Print/Type)

Michael J. Fogarty, III